

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROSE M. BYRD,

Plaintiff,

v.

ORDER

13-cv-714-jdp

WISCONSIN DEPARTMENT OF
VETERANS AFFAIRS,

Defendant.

Plaintiff Rose Byrd has moved to amend her deadline for opposing defendant Wisconsin Department of Veterans Affairs's motion for summary judgment. Byrd asserts that she has difficulty writing with her right hand, and that she had to bear the burden of responding to two of DVA's motions by the same date. The court will grant Byrd's motion.

Byrd offers weak justifications for an extension. Her brief in opposition was due February 26, 2015. The court set this deadline on January 27, Dkt. 69, and explicitly reminded her of it in a February 13 order, Dkt. 75. Yet Byrd has only just now indicated that her hand condition made it difficult for her to meet her deadline. And she chose to wait until a week *after* that deadline to inform the court of her difficulties. Moreover, Byrd filed timely¹ responses to DVA's proposed findings of fact, Dkt. 76, but she said nothing about her inability to meet the deadline for her brief.

The court has already extended Byrd considerable flexibility. She has repeatedly stalled discovery, and she has forced DVA to operate on her schedule for litigating this case. Thus, there are sound reasons to deny Byrd's motion to amend the remaining schedule. Nevertheless, due to Byrd's status as a pro se litigant, the court will afford her one final accommodation. Byrd

¹ Byrd's responses were actually a day late. Neither DVA nor the court objected.

may have until March 13, 2015, to file a brief in opposition to DVA's motion for summary judgment. The remaining deadlines in this case will stay firmly in place, and Byrd should not expect any further extensions.

DVA may have until March 20, 2015, to file its brief in reply; for both its motion for summary judgment and its motion to dismiss. This abbreviated schedule should not unduly prejudice DVA because it has had Byrd's responses to its proposed findings of fact since February 27, and so DVA should have a general idea of the arguments that Byrd plans to make. To be clear: Byrd may not supplement her responses to DVA's proposed findings of fact, nor may she amend her brief in opposition to DVA's motion to dismiss; she may only file a brief that responds to DVA's motion for summary judgment.

Finally, the court is aware that the deadline for pretrial submissions is fast approaching. The court expects to issue a prompt decision on DVA's motion for summary judgment so that the parties know whether they need to prepare these materials.

Accordingly, IT IS ORDERED that plaintiff Rose Byrd's motion to amend her summary judgment response deadline, Dkt. 77, is GRANTED. Plaintiff may have until March 13, 2015, to file her brief in opposition.

Entered March 6, 2015.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge